Application No. : 09/943,585
Amdt. Dated : May 31, 2006
Reply To O.A. Of : December 5, 2005

REMARKS

The Applicant thanks the Examiner for their careful and thoughtful examination of the present application. By way of summary, Claims 1-45 were pending in this application. In the present amendment, the Applicant canceled Claims 1-45 without prejudice or disclaimer, and added new Claims 46-71. Accordingly, Claims 46-71 remain pending for consideration. The Applicant notes that while new Claims 46-71 are broader than canceled Claims 1, 20, 26, 35, 40 and 43, various elements of Claims 46-71 are similar to elements from the canceled claims, including the foregoing canceled independent claim.

Information Disclosure Statement

The Applicant submits herewith an Information Disclosure Statement providing references which came to the Applicant's attention. While the Applicant does not believe that these references will affect the patentability of the pending claims, the Applicant respectfully requests the consideration of the same.

35 U.S.C. § 102(e)

The Office Action rejected canceled claims under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,615,175, issued to Gazdzinski, (the Gazdzinski patent). The Applicant respectfully submits that the prior rejections should not be applied to the currently pending Claims 46-71 because the Gazdzinski patent fails to identically teach every element of the new claims. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

Prior art electronic displays generally comprised directories implemented on small screen (or kiosk-like) displays or large screen static adboards. One drawback of small screens is that they did not generally attract consumers unless a consumer decided to interact with them. Thus, until a consumer decided to actually approach the small screen, they were not influenced by anything displayed, often because it was too small to make an impact. Moreover, to the extent any prior art large screen adboards

attempted interactivity, it was limited to interactive small-screen "pods" next to a large-screen adboard displays. This pod + adboard concept consistently fails in the marketplace in part due to the reliance on small kiosk-like technology for the interface.

Independent Claims 46 and 68 address these and other deficiencies by providing large screen (about 40 inches or more) display units with an integrated touch panel. Large screen display units have the potential to influence consumers simply walking by while also adding the integrated interactivity of a touch panel.

In contrast, the Gazdzinski patent teaches the foregoing small-format interactive system with a touch sensor. See 7:32-33 ("The display devices 113 of the present embodiment are low profile capacitive LCD touch screen devices of the type well known in the art ..."). Moreover, the Gazdzinski patent discloses small screen display devices designed for the cramped environment of elevator cabs. Thus, even though Gazdzinski references plasma technology, Gazdzinski fails to teach or suggest use of large-screen devices. See 7:32-38 ("The display devices 113 of the present embodiment are low profile capacitive LCD touch screen devices of the type well known in the art, although other types of displays, including "flat" cathode ray tubes, plasma, or TFT displays may be used. Such displays optimally limit the amount of space required external to the interior volume of the elevator car to accommodate the system 100 of the present invention.") Thus discussion of the plasma technology is limited to the context of depth and not XY (diagonal) size.

In addition, new independent Claims 60 and 65 recite large screen display units including native processing interface electronics and depth dimension limitations, respectively. Large-format displays were at least originally developed for viewing television content at a distance of 10-15 feet. Thus, when viewed close up, especially when PC or other computer generated content is viewed close up, such as in an interactive environment, large-screen display was unclear and difficult to view. Accordingly, the presently claimed subject matter of Claim 60 includes interface electronics that digitally process PC or other computer generated output to be suitable for close-up large-screen viewing. This may include avoiding analog-to-digital conversions and avoiding resolution alterations.

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As stated, Claim 65 limits depth dimensions to about 4.0 inches. Conventional prior art large screens were not available in thin packages, thus, to be ADA-compliant, companies often needed to reconstruct or widen walls to have sufficient space. This is especially problematic in Gazdzinski's elevator cabs. In contrast, Claim 65 recites a thin unit limited to about 4.0 inches in width which is ADA-compliant, advantageously avoiding the need for reconstruction of facilities.

In addition to the foregoing, the Applicant submits that the new dependent Claims 47-59, 61-64, 66-67, and 69-71 are distinguished from the Gazdzinski patent teachings based on their dependency to the foregoing independent claims and for the additional novel elements recited therein.

35 U.S.C. § 103

The Office Action rejected canceled claims under 35 U.S.C. § 103 as being unpatentable over U.S. the Gazdzinski patent combined with various other patent references, including U.S. patent no. 5,923,363, issued to Elberbaum, U.S. patent no. 6,466,193, issued to Ani, U.S. patent no. 5,912,710, issued to Fujimoto, and U.S. patent no. 6,375,567, issued to Acres. The Applicant respectfully submits that the prior rejections should not be applied to the new Claims 46-71 because the Gazdzinski patent, alone or in combination with the other patents, fails to teach or suggest the elements of the new claims. See M.P.E.P. § 2143 (stating that in order to establish a *prima facie* case of obviousness for a claim, the prior art references must teach or suggest all the claim limitations).

Without commenting on the propriety of combining the Elberbaum patent, the Anl patent and the Fujimoto patent in various combinations with the Gazdzinski patent, the Office action used Elberbaum to show teachings of concierge information, Ani to show teachings of aspect ratios, and Fujimoto to show teachings of resolution. However, none of the references show the elements of new independent claims 46, 60, 65 and 68, as discussed above.

Moreover, the Acres patent teaches use of a 42 inch plasma display that is 6 inches deep disclosed for use as a bonus round wheel-of-fortune type game in a

network of slot machines. See Fig. 2 and 6, and Col. 9. Thus, the Applicant submits that such technology is not combinable with the elevator small screen interactive technologies of the Gazdzinski patent. Rather, any such combination appears to use impermissible hindsight of the Applicant's disclosure as a "blueprint" for a rejection, as opposed to the teachings of the prior art, to reject the canceled claims. See In re Fritch, 972 F.2d 1260 (Fed. Cir. 1992) (stating that "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed inventions is rendered obvious.")

Correspondence

The Applicant respectfully notes that they filed a Power of Attorney on December 7, 2005. Unfortunately, the present Restriction Requirement was mailed to the Applicant's previous counsel. Therefore, the Applicant respectfully requests that future correspondence be directed to Knobbe, Martens, Olson and Bear as stated in the attached Notice Regarding Power of Attorney.

Conclusion

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner. The Applicant's attorney can be reached at (949) 721-2946 or at the number listed below.

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In addition, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 31, 2006

By: _____
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Attorney of Record
(949) 760-0404

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Docket No.: EMINE.000GEN **Customer No. 20,995**

REVOCATION
AND
GENERAL POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is an empowered representative of the Assignee and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, **Customer No. 20,995**, as attorneys and agents to represent the Assignee before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned to the Assignee according to the USPTO assignment records or assignment documents supplied with an accompanying Statement Under 37 CFR § 3.73(b). This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 CFR § 3.71.

Submission of this paper in connection with any matter of the below named assignee, together with a statement under 37 CFR 3.73(b), shall serve to revoke any previous powers of attorney in that matter.

A Statement Under 37 CFR § 3.73(b), signed by a registrant of Knobbe, Martens, Olson & Bear, LLP, is attached setting forth a full chain of title for the subject application owned by the Assignee named below.

Please recognize or change the correspondence address for the above-identified application to **Customer No. 20,995.**

By: _____ Date: 10.11.2005

Name: Brent McKay Title: President

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